

REMARKS

Support for added claim 31 is found at the same location in the specification as that for previously presented claim 14 and at paragraph 16 of the specification.

In the office action, claims 14-18 and 20-30 were rejected under 35 U.S.C. 102(e) as being anticipated by the Schuller, et al published patent application U.S. 2001/0047250, hereinafter referred to as Schuller.

Claim 14 was rejected in view of the Schuller disclosure as noted in the Office Action based on the disclosure in Schuller at paragraph 39. The Office Action noted Shuller at paragraph 39, lines 1-3, 10-13 selecting colors; paragraph 70, lines 24-30 storage means; 9th paragraph, lines 1-6 comparing colors with one another; 28th paragraph, figure 60, item 618. This notation was in regards to Applicants' claimed feature of the selection of a color or colors from a database comprising colors stored on an electronic format on an storage means wherein the colors are grouped by color names or in groups where the colors are either complementary or contrasting with one another.

It is respectfully submitted that paragraph 39 of the Schuller reference states:

"The color picker 618 displays small samples of the different colors that are available for an object and the displayed colors may differ depending on the particular object selected. For example, when a wall structural object 651 is selected, the color picker 618 may display all available paint colors, when a couch structural object 659 is selected, the color picker may display all available fabric colors and patterns."

Hence, paragraph 39 does not teach or suggest having the database for the colors where the colors are arranged by anything other than ALL. There is no teaching or suggestion of a grouping by color name or complementary or contrasting colors for selection of a color.

Additionally, paragraph 70 of Schuller does mention the presence of a storage device for execution by a programmable processor. This does not

change the teaching of paragraph 39 to teach or suggest some particular arrangement of colors in a database for selecting a color.

Also paragraph 9 of Schuller notes:

“The system can include automatic matching of a sample material to a decorative material in the database based on an input image of the sample material. The input image may be obtained using a digital image capture device such as a scanner, digital camera or video signal capture device and the matching decorative materials may be determined by comparing colors, patterns or other visual characteristics associated with the decorative materials and the input image. Identifiers of decorative material samples in a physical sample chart may be displayed to the user.”

This section of the Schuller reference is talking about automatic matching of a sample material to a decorative material so the comparison of the colors, patterns or other visual characteristic data is from the input image to the colors that are available in the database by the computer. This is not a teaching or suggestion of selecting a color or colors from a database by name or complementary or contrasting colors by a user as is claimed in claim 14. This is particularly the case for added claim 31 which clearly notes the selection by the user by clicking of a mouse button, touching the screen, or using voice activation.

Additionally, the disclosure of Schuller at Figure 6c, reference number 618, the color picker, does not distinguish on how the colors are selected. There is no suggestion of any grouping of colors by name or complementary or contrasting colors.

Therefore, it is respectfully submitted that claim 14 and claims dependent therefrom, and added claim 31 are novel and unobvious over the teachings and suggestions of the Schuller reference.

In addition, the Schuller reference teaches away from any selection of colors by a color name or on a contrasting or complementary color basis at paragraph 40 where it notes the monitor, of a computer system, has limitations in the display of colors. Because of this, sample cards can be obtained to see the

exact color. Also, the Schuller reference notes at paragraph 39 beginning at line 6 that for walls as a structural object, the color picker may display all available paint colors. This teaches away from displaying for selection of colors by color name or by complementary or contrasting colors. So it is respectfully submitted that Claim 14 and claims dependent therefrom are unobvious and patentable over the Schuller reference.

The Office Action mentioned that Claims 15-18 and 20-30 were related to the disclosure in the Schuller reference for one reason or another. All of these claims are dependent from Claim 14. It is respectfully submitted that since the Schuller reference lacks a teaching or suggestion of the selection by color name or complementary or contrasting colors as noted above, all of the dependant claims of claim 14 are novel and unobvious over the Schuller reference. This is because these claims are dependant claims of an independent claim, which is novel and unobvious over the Schuller reference.

Claim 19 was rejected under 35 U.S.C. 103(a) as unpatentable over the Schuller reference. It was noted in the Office Action that the Schuller reference does not include coving and dado rails but it would be obvious to one of ordinary skill in the art to use images of other structural objects.

It is respectfully submitted that the Schuller reference is directed to decorating including furniture and walls in general but not the decoration of the structural elements of a room or building with a color scheme with or without the presence of room furnishings. Therefore, it is respectfully submitted it would not be obvious from a reading of the Schuller reference that coving and dado rails would be included. Also Claim 19 is dependent from Claim 14 which it is respectfully submitted is unobvious over the Schuller reference so Claim 19 would be also for the same reasons.

Entry of the present amendment is respectfully requested to place the captioned patent application in condition for allowance or to narrow the issues on appeal. In any event the examiner is requested to apprise Applicants' attorney of the disposition of this amendment prior to the time for the filing of a Notice of Appeal.

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Respectfully submitted,

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